

## **REMARKS/ARGUMENTS**

This Amendment accompanies a Request for Continued Examination (RCE) filed in response to the Final Office Action dated June 23, 2005. The present Amendment and associated RCE are submitted within the three month period for response extending to 5 September 23, 2005. The current status of the claims is summarized below.

Claims 1-3, 5-9, 13, and 15-20 are amended.

Claims 4, 10-12, and 14 are cancelled.

Claims 1-3, 5-9, 13, and 15-20 are pending in the application after entry of the present Amendment.

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### **Rejections under 35 U.S.C. § 102**

Claims 1-4 and 9-13 were rejected under 35 U.S.C. 102(e) as being anticipated by Wollrath et al. ("Wollrath" hereafter) (U.S. Patent No. 6,487,607). These rejections are traversed.

15 As mentioned in the previous amendment filed May 10, 2005, Wollrath discloses a remote object invocation method between a server and a client using a RMI protocol. The method taught by Wollrath requires a server RMI and a client RMI. The server RMI creates the remote objects on the server, makes references to those remote objects, and waits for the client to invoke methods on the remote objects through the interaction 20 between the client RMI and the server RMI. It should be appreciated that Wollrath does not include any disclosure relating to a distributed test framework, test applications, or the launching of test applications within a distributed test framework.

Claims 1-3, 9, and 13 have been amended to clarify that the claimed method and system are directed to launching remote test applications in a distributed test framework.

25 Additionally, the first and second applications previously recited in claims 1 and 9 have

been clarified to be first and second test applications. Therefore, because Wollrath is silent with regard to test applications in a distributed test framework, Wollrath does not teach each and every feature of claims 1-3, 9, and 13, as required to support an anticipation rejection under 35 U.S.C. 102. As will be appreciated by the Office, 35 U.S.C. 102 requires that each and every feature of a claim be taught or suggested by a single reference for the claim to be anticipated. For at least the reasons identified above, the Applicants request the Office to withdraw the rejections of claims 1-3, 9, and 13 under 35 U.S.C. 102. The Office is also requested to note that claims 4 and 10-12 have been cancelled.

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#### Rejections under 35 U.S.C. § 103

Claims 5 and 14 were rejected under 35 U.S.C. 103(a) as being unpatentable over Wollrath. These rejections are traversed.

Because claim 5 ultimately depends from claim 1, claim 5 incorporates all the features of claim 1 and is patentable for at least the same reasons provided above for claim 1. Therefore, the Office is requested to withdraw the rejection of claim 5. The Office is also requested to note that claim 14 has been cancelled.

Claims 6-8 and 15-20 were rejected under 35 U.S.C. 103(a) as being unpatentable over Wollrath in view of Jaworski ("Developer's Guide: Java 1.1") and "Process Manager 6.0 Programmer's Guide" ("SUN" hereafter). These rejections are traversed.

Because claims 6-8 ultimately depend from claim 1, claims 6-8 incorporate all the features of claim 1 and are patentable for at least the same reasons provided above for claim 1. Therefore, the Office is requested to withdraw the rejections of claims 6-8.

Because claims 15-16 ultimately depend from claim 9, claims 15-16 incorporate all the features of claim 9 and are patentable for at least the same reasons provided above for claim 9. Therefore, the Office is requested to withdraw the rejections of claims 15-16.

With respect to claim 17-18, the Office has indicated that the same bases of rejection as applied to claims 1-8 are also applied to similar features recited in claims 17-18. Therefore, the Applicant submits that claims 17-18 are patentable for at least the same reason provided above for claims 1-3 and 5-8. Additionally because claims 19-20 ultimately depend from claim 17, claims 19-20 are patentable for at least the same reasons stated from claim 17. Therefore, the Office is requested to withdraw the rejections of claims 17-20.

### **Additional Claim Amendments**

To further prosecution of the subject case with respect to a potential obviousness rejection of claims 1-3, 5-9, 13, and 15-20, involving Wollrath, the Applicants have made additional amendments to further distinguish from the teachings of Wollrath. More specifically, with respect to claim 1, the launch request sent from the first test application is recited to define required attributes of an unidentified processing resource necessary to execute the second test application thereon. Claim 1 further recites operating the agent launcher to send a request to a system controller requesting identification of a processing resource having the required attributes necessary to execute the second test application. Claim 1 also recites operating the system controller to identify the processing resource having the required attributes necessary to execute the second test application and launching the second test application on the identified processing resource.

Several features of claim 1 should be particularly appreciated when being contrasted with the teachings of Wollrath. For instance, the first test application sends the

launch request that requests launching of the second test application. However, the launch request sent by the first test application does not specifically identify a processing resource that is to execute the second test application. Rather, the first test application includes required attributes of a then unknown processing resource necessary to 5 successfully execute the second test application. Responsibility for identifying the particular processing resource that will execute the second test application is left to the system controller.

The first test application and the first agent process execute on a common processing resource within the distributed test framework. Therefore, communication of 10 the launch request from the first test application to the agent launcher interface of the first agent process is not performed using RMI. Rather the communication of the launch request is enabled by the reference to the first agent process provided to the call interface of the first test application. The Office has incorrectly asserted that communication of the launch request from the first test application as presently claimed is analogous to making 15 a call for invocation of a method of a remote object using RMI as taught by Wollrath. Because the launch request does not include a specific identification of the processing resource upon which the second test application is to be executed, the launch request does satisfy the requirements of RMI, and is therefore not analogous to an RMI communication.

20 More specifically, RMI uses a stub present on a client machine, wherein the stub includes a reference to a remote object on a known server machine and acts as a proxy for the remote object on the known server machine. Thus, an RMI communication includes a specific identity of the server machine upon which the remote object resides. Moreover, on page 4 of the outstanding Office Action the Office has admitted that RMI provides a 25 mechanism for remote calls over the network, provided it has information on the

destination of the call. In contrast to the RMI paradigm, claim 1 specifically recites that the launch request sent from the first test application includes required attributes of an unknown processing resource necessary to execute the second test application, but does not include a specific identity of the unknown processing resource. Identification of an 5 available processing resource that can execute the second test application is the responsibility of the system controller, not the first test application. Thus, the Office's assertion that Wollrath teaches the present invention as currently claimed, is simply without basis.

Furthermore, it should be appreciated that the ability of a first test application to 10 initiate a launch request for a second test application is enhanced by not requiring the first test application to know which particular remote processing resource will execute the second test application. Thus, the method of claim 1 avoids the huge complexity that would be associated with requiring each test application executing in a distributed test framework to have personal knowledge of all available remote processing resources 15 within the distributed test framework.

Claims 9 and 17 have been amended to include similar features as those discussed above with respect to claim 1. Therefore, the arguments presented above for claim 1 are equally applicable to each of claims 9 and 17.

In view of the foregoing, the Applicants request that the Office withdraw the rejections of claims 1-3, 5-9, 13, and 15-20. The Applicants submit that all of the pending claims are in condition for allowance. Therefore, a Notice of Allowance is requested. If the Examiner has any questions concerning the present Amendment, the Examiner is requested to contact the undersigned at (408) 774-6914. If any additional fees are due in connection with filing this Amendment, the Commissioner is also authorized to charge Deposit Account No. 50-0805 (Order No. SUNMP030). A duplicate copy of the transmittal is enclosed for this purpose.

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Respectfully submitted,  
MARTINE PENILLA & GENCARELLA, LLP



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Kenneth D. Wright  
Reg. No. 53,795

Martine Penilla & Gencarella, LLP  
710 Lakeway Drive, Suite 200  
Sunnyvale, California 94086  
Tel: (408) 749-6900  
**Customer Number 32,291**